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On the International Search Report of July 5, 2005.

The International Search Authority has cited in total six documents for the state of the art, whereby the documents D1 to D5, according to the reference from part V of the present Search Report, exhibit the subject matter of the present invention according to the primary Claim 1.

Furthermore, the International Search Authority points out in part III of the present Search Report that the Claims 1 to 13 concern a subject matter which, according to the Authority falls under the rule 76.1 (IV PCT), whereby no expert opinion concerning the industrial applicability of the subject matter of this Claim according to Article 34 (4a) (i) PCT is established.

Hereto, the applicant would next like to point out that the objective of the present invention can be seen to lie therein, that by the embedding of the active substances in a matrix of gluco- or galactomannans, a continuous delivery of the substances during the passage of the whole human or animal intestinal tract is achieved.

The lateral behavior of the generated granulate fulfills hereby a decisive role. First, the active substance is continuously and slowly delivered to the organism through the synthesis of granulates, which has, in the case of the used active substances, a positive effect on the usability of the built-in substances.

Besides the used substances the grain size and density also fulfill thereby a role.

In the food industry galactomannans have been known for a long time. They find numerous applications as stabilizers, thickeners, etc. In the mentioned documents different properties of the galactomannan are used, such as viscosity raising, indigestibility, its ability to swell, that in general do not yield an improvement of the bio-availability of the active substance that is connected to it.

It cannot immediately be concluded from the content of the published documents that the addition of galacto- or glucomannans automatically leads to an increase of the bio-availability of active substances. In fact, the opposite can be the case, whereby, for example, the polysaccharide delays the absorption in the small intestine, which results in a reduction of the blood level of the administered active substance. However, if after the administering a higher blood level is desired, galacto- and glucomannans are contraindicated because these lower the availability.

Therefore, it follows from the aforementioned reference of the applicant that the subject matter of the present invention unambiguously represents an improvement and enhancement of the wellbeing of human and animal.

It is for this reason not understandable that the subject matter of the present invention is regarded as a procedure for surgical and therapeutic treatment of the human or the animal body as well as a diagnostic procedure. The aforementioned characteristic that the subject matter of the present invention represents an improvement and enhancement of the wellbeing of human and animal is for clarity included in the preamble of primary Claim 1.

In addition to this the characteristic part is replaced by a combination of characteristics, which according to the references, is supported by the present description of the invention (see the corrected version).

With reference to part VIII of the present Search Report the original Claims 11 to 21 have been corrected by the corresponding correct back reference, according to the requirements of the Article 6 EPÜ [Tr.- European Patent Convention], and therefore do not exhibit on the part of the applicant any more unclarities.

The original Claims 14 and 16 to 21 have also been corrected according to Article 6 EPÜ by corresponding back references.

As regards the patent Claim included in the attachment, the technical method of the documents listed here does not conflict with the now being specified process for a patent.

The independent Claim comprises in our opinion all essential characteristics of the respective specific realization of the invention and also appears inventively new with respect to the state of the art.

On the basis of the aforementioned remarks it appears that the reference of the Search Authority presented in part III and V, concerning the industrial applicability of the present invention, is completely satisfied.

It is requested that the reworked patent Claims included in the attachments are taken into consideration for the continuation of the present patent application and that the corresponding national examination procedure is examined with regards to the novelty, inventive activity, and industrial applicability.

Patent Attorney
Dr. Peter Riebling

Annex:

Patent Claims 1 to 20 as a substitute for the original patent Claims 1 to 21, two fold
Corrected version